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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of :

Appl. No. : 09/842,030 Confirmation No. 6914  
Applicant : T. R. Albrecht et al.  
Filed : 04/26/2001  
TC/A.U. : 2651  
Examiner : A. L. Sniezek

Docket No. : TUC920010002US1

Title: STORAGE DEVICE MOUNTED IN PORTABLE  
DATA STORAGE MEDIA TYPE CARTRIDGE

**DECLARATION UNDER 37 C.F.R. Section 1.132**

I, Daniel James Winarski, declare and say:

That I am a citizen of the United States of America and I reside at 647 South Woodstock Drive, Tucson, AZ 85710, USA.

That I am a Senior Technical Staff Member at IBM Server Group, in the field of engineering, since July 1977.

That I graduated in 1976 from the University of Michigan, located in Ann Arbor, Michigan, with a degree of Ph. D. in Mechanical Engineering, and I also graduated in 2001 from the National Technology University, located in Fort Carson, Colorado, with a degree of M. S. in Electrical Engineering. Additionally, I received my B. S. degree in Mechanical Engineering from the University of Michigan in 1970 and my M. S. degree in Mechanics from the University of Colorado, Boulder, Colorado, in 1973.

That I am knowledgeable in the technology and science of Mechanical and Electrical Engineering.

That I have reviewed the present U. S. Patent Application serial no. 09/842,030, and find that it relates to a data storage cartridge having a data storage device, such as an encased magnetic disk drive assembly, contained therein, and having generally an exterior form factor of a tape cartridge. To distinguish the cartridge from a tape cartridge, the cartridge shell comprises a blocking portion at the location of a leader block portion of a tape cartridge. In one embodiment, the data storage device is supported and mounted within the cartridge shell by a shock mount. A flex cable interconnects the data storage device and an external data transfer interface. (Abstract, lines 4-10 and 15-20).

That, I have reviewed U.S. Patent No. 5,253,246, and find that it discusses a universal data storage element which present a uniform form factor data storage element, but comprises a selection of media types or miniaturized drive elements. (Abstract, lines 1-5).

No shock absorbing capability is provided or suggested. Rather, the "media types or miniaturized drive elements" (Abstract, lines 1-4) are always retained and supported in a secure and fixed manner. In various examples: 1) A media "carrier 110 which is slidably connected to a pair of guide rails 111, 112, which are affixed to the interior wall of housing body 102 \*\*\*." The "carrier 110 is of a configuration and dimension to support in a secure manner the media that is housed within exterior housing 101. \*\*\* There are typically provided pressure fit retention elements, including flexible fingers, bands, or \*\*\* retention pads 118 to secure tape cassette 120 in the media loaded position on carrier 110." (emphasis added). (column 3, line 59 - column 4, line 28). 2) Miniaturized drive elements or solid state memory "are fixed within the housing". Further, although the connector may be movable, the elements are clearly not. (emphasis added). (column 5, lines 49-68).

That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Further declarant saith not.

Date: 16 April 2004

/s/ Daniel James Winarski  
Daniel James Winarski